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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,557	07/29/2003	Takayuki Iida	Q76705	4745
7590 01/20/2006 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			EXAMINER JACKSON, BLANE J	
			ART UNIT 2685	PAPER NUMBER

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/628,557	IIDA, TAKAYUKI	
	Examiner	Art Unit	
	Blane J. Jackson	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

27

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) with a view to Knauerhase et al. (US 2004/0203847).

As to claims 1, 3--6, Zehavi teaches a wireless communication apparatus having wireless communication means for carrying out data communication with wireless communication equipment, the wireless communication apparatus comprising:

*A prescribed range* as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment (figures 1 and 4, the wireless communication equipment comprises a digital camera to transfer image files over WLAN to a service center, paragraphs 0031-0034),

Operation control means for activating the wireless communication means only in the case where a result of camera location is *within a prescribed range* (figure 1, paragraph 0034, where the wireless device user or customer actuates an appropriate control on the camera within a prescribed range to negotiate an optimal data rate with the service node),

Zehavi teaches the camera is activated by the user to download the image files via WLAN within a prescribed range of the service center but does not teach the communication apparatus comprises judgment means for making a judgment as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment.

Knauerhase teaches a wireless device comprising a cellular telephone capable of knowing its location such as by GPS or by a cellular network triangulation method to determine the proximity to a service provider and alert the user as the provider proximity to fulfill user selected tasks, paragraphs 0023-0025. Knauerhase further teaches the task database, provider database and the task notifier in the form of a computer program product is included within the wireless device, paragraphs 0020, 0021, 0027 and 0028. Also, Knauerhase discloses the wireless device may also include hotspot detection where the device knows the location of the access points and the approximate distance from a given access point, paragraph 0023.

It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the user understood prescribed range method of Zehavi with the automatic location based task notification means of Knauerhase such that the wireless device user is independently notified of the proximity of a desired service provider..

As to claim 2, Knauerhase of Zehavi modified teaches the wireless communication apparatus according to claim 1 further comprising lighting means whose state of lighting changes in accordance with a communication state between the

wireless communication means and the wireless communication device (wireless device may beep, ring or otherwise notify the user, paragraph 0018).

2. Claims 7-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) and Knauerhase et al. (US 2004/0203847) with a view to Choi (US 6,967,944).

As to claims 7 and 8 with respect to claim 1, Zehavi of Zehavi modified teaches an imaging apparatus comprising:

Image capturing means for obtaining image data (paragraphs 0010 and 0011),

Image storage means for storing the image data obtained by the imaging means (paragraph 003).

Zehavi of Zehavi modified further teaches control means for causing the judgment means to judge whether or not the wireless communication means is within the coverage area of the wireless communication equipment in the case where the image data are stored in the image storage means as well as the wireless communication equipment negotiates for the optimal image file upload rate in accordance with Bluetooth networking protocols, paragraphs 0034 and 0039.

Zehavi modified is silent as for controlling the wireless communication means so as to send *authentication information stored in the authentication information storage means* to the wireless communication equipment by carrying out the data communication with the wireless communication equipment when the operation control means activates the wireless communication means and so as to send the image data

Art Unit: 2685

in the image storage means to the wireless communication equipment authenticates the imaging apparatus according to the authentication information.

Choi teaches a method for increasing link capacity in wireless local area networks (LANs) where the access point enables direct communication between the wireless users, but in view of the claim, discusses the main functions of the access point (AP) is to support roaming, synchronize with a BSS, support power management and *control the medium access*, column 1, lines 30-45. Specifically, Choi further teaches a WLAN relies on the AP and the infrastructure for basic services such as the authentication of access and the control of medium for data with associated quality of service, column 3, lines 4-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize with data rate negotiation as discussed in accordance with the standard WLAN protocols of the method of Zehavi the other expected functions provided by the access point as specified by Choi include access and the control of the medium for data with associated quality of service.

As to claim 9 with respect to claim 7, Zehavi teaches the operation control means inactivates the wireless communication means after the image data that were stored in the image storage means have been sent (paragraph 0041).

The claim elements for claim 10 were identified in the above discussion for claim 7 with respect to claim 1.

As to claims 11, 12, 14 and 15 with respect to claim 10, Knauerhase of Zehavi modified teaches the imaging apparatus further comprising:

Search means for carrying out a search for pieces of the wireless communication equipment that are communicable with the wireless communication means in response to an external instruction input (a wireless device capable of knowing its location by GPS or cellular triangulation to determine proximity to a service provider based on a selected task list input by the device user, paragraph 0023-0026, also, proximity may be determined to providers that maintain access points and transmit beacon signals that can be picked up by the wireless device, paragraph 0045),

Display means for displaying a list of the pieces of the wireless communication equipment as a result of the search carried out by the search means (figure 4, user is notified with display of task information of tasks to be satisfied which are mapped to provider identification and location, paragraphs 0038 and 0039),

Selection means for receiving selection of a desired one of the pieces of the wireless communication equipment from the result of the search (paragraphs 0040-0045),

The control means controls the wireless communication means to send the image data stored in the image storage means to the selected piece of the wireless communication equipment after authentication with roaming by the wireless device is taught by Choi as discussed for claims 10, 7 and 1.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878), Knauerhase et al. (US 2004/0203847) and Choi (US 6,967,944) with a view to Comstock et al. (US 2002/0183038).

AS to claim 13 with respect to claim 12, Zehavi of Zehavi modified teaches negotiation for an optimal data rate to upload image files between a user device and access point searched for by the search means, paragraph 0034, but is silent as to the display means displays a communication charge for the pieces of wireless communication equipment

Comstock teaches a WLAN access point comprising an access and accounting circuits to provide access and billing information with user authentication where the user or portable device (22) includes an operator interface to display charges and network speeds associated with each network access node within ranges and to receive a user selection of one of the network access nodes for use, figure 1, paragraphs 0033 and 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to realize in Zehavi modified the access and billing control as provided by the access points in the WLAN system of Comstock for the identification and collection of payment for the wireless service.

### ***Conclusion***



Art Unit: 2685

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vataja (US 2003/0120940), Alperovich et al. (US 5,819,180) and Barnes, Jr. (US 2005/0136949).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
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